

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DePuy Mitek, Inc.)
a Massachusetts Corporation)
Plaintiff,)
v.) **Civil No. 04-12457 PBS**
Arthrex, Inc.)
a Delaware Corporation and)
Pearsalls Ltd.)
a Private Limited Company)
of the United Kingdom)
Defendants.

JOINT MOTION FOR ENTRY OF A REVISED SCHEDULING ORDER

DePuy Mitek, Inc. (“DePuy Mitek”), Arthrex, Inc. (“Arthrex”), and Pearsalls Ltd. (“Pearsalls”) (the “Parties”), hereby jointly move the Court for entry of a revised scheduling order in the above captioned case to accommodate expert discovery.

The Parties’ proposed revision extends the deadlines for filing dispositive motions by approximately two weeks. The proposed revisions do not affect summary judgment and Markman hearings or the schedule trial. The Parties respectfully move the Court for entry of the proposed scheduling Order attached hereto, which would revise the Scheduling Order as follows:

| Event | Date |
|--|--------------------------------|
| Opening Briefs on Summary Judgment (last day to file dispositive motions) and Claim Construction | August 11, 2006 |
| Opposition Summary Judgment Briefs and Claim Construction | September 1, 2006 |
| Reply Summary Judgment Briefs and Claim Construction | September 15, 2006 |
| Summary Judgment and <i>Markman</i> Hearing | September 26, 2006 (no change) |

| | |
|---------------------------|-------------------------------|
| Final Pretrial Conference | October 25, 2006 (no change) |
| Trial (5-7 days) | November 13, 2006 (no change) |

Respectfully Submitted,

Counsel for Plaintiff

By: /s/ Michelle Chassereau Jackson

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Dated: June 13, 2006

Counsel for Defendants

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Dated: June 13, 2006

CERTIFICATE OF SERVICE

I certify that the foregoing **JOINT MOTION FOR ENTRY OF A REVISED SCHEDULING ORDER** was served electronically on counsel for Arthrex and Pearsalls on June 13, 2006 as identified below:

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REVISED SCHEDULING ORDER

Upon consideration of the Joint Motion for Entry of a Revised Scheduling Order, the following revised scheduling order is hereby entered in the above-captioned matter.

| Event | Date |
|--|--------------------------------|
| Opening Briefs on Summary Judgment (last day to file dispositive motions) and Claim Construction | August 11, 2006 |
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| Reply Summary Judgment Briefs and Claim Construction | September 15, 2006 |
| Summary Judgment and <i>Markman</i> Hearing | September 26, 2006 (no change) |
| Final Pretrial Conference | October 25, 2006 (no change) |
| Trial (5-7 days) | November 13, 2006 (no change) |

SO ORDERED on this _____ day of _____, 2006.

United States District Judge